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1996

# c Pr5 Association of Ontario Road Superintendents Act, 1996

Ontario

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## CHAPTER Pr5

# An Act respecting the Association of Ontario Road Superintendents

*Assented to April 25, 1996*

Preamble	<p>The Association of Ontario Road Superintendents has applied for special legislation to enable it to govern and discipline its members and to grant to its members the exclusive right to use the designations "Certified Road Supervisor" and "CRS". The applicant represents that it is a corporation.</p> <p>It is appropriate to grant the application.</p> <p>Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:</p>	<p>ces where these are affected or may be affected by the design, planning, construction and maintenance of the infrastructure of municipal roads and other works; and</p>	
Association continued	<p>1. (1) The Association of Ontario Road Superintendents is continued as a corporation without share capital.</p>	<p>(d) to hold conferences and lectures and to collect, publish and distribute papers relating to the construction and maintenance of municipal roads, bridges and sewers.</p>	Board of directors
Members of Association	<p>(2) The persons registered as members of the Association on the day this Act comes into force and such other persons who later become members of the Association constitute the corporation.</p>	<p>3. (1) The affairs of the Association shall be managed by a board of directors.</p> <p>(2) The board of directors shall be composed of,</p>	Composition
Continuation of present executive	<p>(3) The members of the board of directors of the Association and the officers of the Association in office immediately before the coming into force of this Act are continued in office until their successors are elected or appointed under this Act.</p>	<p>(a) not fewer than five members of the Association, as the board of directors may determine by by-law, who are elected by the members of the Association; and</p> <p>(b) the immediate past president of the Association or, if he or she is unable or unwilling to serve, the first immediate predecessor of the past president who is able and willing to serve.</p>	
Letters patent revoked	<p>(4) The letters patent of the Association are revoked, but their revocation does not affect the rights or obligations of the Association or any by-law, resolution or appointment of the Association except to the extent that the by-law, resolution or appointment is inconsistent with this Act.</p>	<p>(3) The manner of electing the members of the board of directors under clause (2) (a), the qualification of electors, the notification to the electors of the time and place of holding elections, the taking and counting of votes, the giving of a casting vote in the case of a tie, the tenure and sequence of office of all members of the board of directors and all related matters shall be as set out in the by-laws of the Association.</p>	Election
Special Act corporation	<p>(5) The Association shall be deemed to be a corporation incorporated by a special Act.</p>		
Objects	<p>2. The objects of the Association are,</p> <p>(a) to increase the knowledge, skill and competence of its members through training;</p> <p>(b) to promote high standards in the design, planning, construction and maintenance of roads, sewers and other structures related to the infrastructure of municipal roads and other works, so as to further the health and safety of those who use and rely upon them;</p> <p>(c) to promote the protection of the environment and the conservation of resources</p>	<p>(4) A vacancy on the board of directors caused by the death, resignation, removal or incapacity of an elected member shall be filled as follows:</p> <p>1. If the remaining members of the board of directors constitute a quorum, the replacement shall be appointed by a majority of the board of directors.</p> <p>2. If the remaining members of the board of directors do not constitute a quorum, the replacement shall be elected in accordance with the by-laws of the Association.</p>	Vacancies

Same	(5) A member of the board of directors appointed or elected under subsection (4) shall hold office for the unexpired term of the member he or she is replacing.	(3) The by-laws of the Association shall be open to examination by the public at the head office of the Association during normal office hours.	Examination of by-laws
Quorum	(6) A quorum of the board of directors shall be as set out in the by-laws.	6. The Association shall grant membership in the Association to every individual who applies for it in accordance with the by-laws, if the individual,	Membership
Annual meeting	4. The Association shall hold an annual meeting of its members not more than 15 months after the last annual meeting.	(a) is at least 18 years old;	
By-laws	5. (1) The board of directors may pass by-laws necessary to conduct the business and carry out the objects of the Association.	(b) has complied with the academic and experience requirements specified in the by-laws of the Association for the issuance of membership; and	
Same	(2) Without restricting the generality of subsection (1), the board of directors may pass by-laws,	(c) has passed such examinations as the board of directors may set or approve.	
	(a) respecting the application of the funds of the Association and the investment and reinvestment of any funds not immediately required, and the safe-keeping of its securities;	7. (1) The board of directors shall appoint a registrar, who need not be a member of the board of directors, to perform the functions assigned by this Act and such other functions as may be assigned by the board of directors.	Registrar
	(b) prescribing the remuneration of the members of the board of directors and of committees and providing for the payment of their necessary expenses in the conduct of their business;	(2) The registrar shall keep a register which shall show the names of all members of the Association in good standing and each member's class of membership.	Register
	(c) governing the election and appointment of officers and directors, their terms and sequence of office and their responsibilities;	(3) Only those persons whose names appear in the register are entitled to the privileges of membership in the Association.	Privileges
	(d) providing for the appointment of committees, sub-committees and task groups and governing their composition, responsibilities and powers and the election or appointment of their chairs;	(4) The register shall be open to examination by the public at the head office of the Association during normal office hours.	Examination of register
	(e) establishing a curriculum, courses of study and examinations for students and members of the Association, and governing the granting of certificates to those who have successfully passed the examinations;	8. (1) A person who has been refused membership in the Association, who has been refused membership in a class of membership in the Association or who has been subject to a disciplinary sanction under the by-laws of the Association may appeal to the Divisional Court from the refusal or from the sanction.	Appeals
	(f) establishing classes of membership in the Association, and establishing the qualifications for,	(2) Upon the request of a party desiring to appeal to the Divisional Court and upon payment of a reasonable fee, the registrar shall provide the party with a certified copy of the record of the proceedings being appealed, including the documents received in evidence and the decision or order that is the subject of the appeal.	Record
	(i) the class of members who are Certified Road Supervisors, and	(3) An appeal under this section may be made on questions of law or fact or both.	Grounds for appeal
	(ii) other classes of members;	(4) The court may confirm, vary or rescind the decision or order being appealed, may exercise all powers of the Association, the board of directors or any committee of the Association and may direct the Association, the board of directors or a committee to take any action that it is empowered to take and, for such purposes, the court may substitute its opinion for that of the Association, the board of directors or any committee of the Associa-	Powers of the court
	(g) regulating and governing the conduct of members of the Association by prescribing a code of ethics, rules of conduct and standards of practice and providing for suspension, expulsion or other penalty if a member contravenes the code of ethics, rules of conduct or standards of practice; and		
	(h) providing for the establishment and designation of local chapters of the Association.		

tion, or the court may refer the matter back for rehearing in whole or in part.

**Designation** 9. (1) Every member of the Association who is registered as having satisfied the qualifications required by a by-law made under subclause 5 (2) (f) (i) may use the designations "Certified Road Supervisor" and "CRS".

**Offence** (2) A person in Ontario who is not a member of the Association registered as having satisfied the qualifications required by a by-law made under subclause 5 (2) (f) (i) is guilty of an offence if the person,

(a) takes or uses the designation "Certified Road Supervisor" or "CRS", either alone or in combination with any other word, name, title, initial or description; or

(b) implies or holds out that he or she is registered as a Certified Road Supervisor.

**Evidence** 10. (1) In every case where registration is an issue, the production of a copy of the register, certified by the registrar of the Association, is proof, in the absence of evidence to the contrary, of a person's membership and class of membership in the Association.

(2) A certificate purporting to be signed by the registrar is proof, in the absence of evidence to the contrary, that such person is the registrar without proof of the person's signature or of the person being in fact the registrar.

(3) The absence of the name of any person from a certified copy of the register is proof, in the absence of evidence to the contrary, that the person is not a registered member of the Association.

11. This Act does not affect or interfere with the right of any person who is not a member of the Association to practise or work as a road supervisor, municipal officer or municipal employee in the Province of Ontario.

12. Any surplus derived from carrying on the affairs and business of the Association shall be applied solely in promoting and carrying out its objects and purposes and shall not be divided among its members.

13. This Act comes into force on the day it receives Royal Assent.

14. The short title of this Act is the *Association of Ontario Road Superintendents Act, 1996*.

Same

Same

Right to  
practise  
unaffected

Surplus

Commence-  
ment

Short title